

1-1 By: Birdwell S.B. No. 1893
 1-2 (In the Senate - Filed April 16, 2013; April 17, 2013, read
 1-3 first time and referred to Committee on Intergovernmental
 1-4 Relations; April 29, 2013, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
 1-6 April 29, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 1893 By: Nichols

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the creation of the Chisholm Trails Municipal Utility
 1-18 District No. 1; granting a limited power of eminent domain;
 1-19 providing authority to issue bonds; providing authority to impose
 1-20 assessments, fees, or taxes.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-23 Code, is amended by adding Chapter 8483 to read as follows:

1-24 CHAPTER 8483. CHISHOLM TRAILS MUNICIPAL UTILITY DISTRICT NO. 1

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 8483.001. DEFINITIONS. In this chapter:

1-27 (1) "Board" means the district's board of directors.

1-28 (2) "Commission" means the Texas Commission on
 1-29 Environmental Quality.

1-30 (3) "Director" means a board member.

1-31 (4) "District" means the Chisholm Trails Municipal
 1-32 Utility District No. 1.

1-33 Sec. 8483.002. NATURE OF DISTRICT. The district is a
 1-34 municipal utility district created under Section 59, Article XVI,
 1-35 Texas Constitution.

1-36 Sec. 8483.003. CONFIRMATION AND DIRECTORS' ELECTION
 1-37 REQUIRED. The temporary directors shall hold an election to
 1-38 confirm the creation of the district and to elect five permanent
 1-39 directors as provided by Section 49.102, Water Code.

1-40 Sec. 8483.004. CONSENT OF MUNICIPALITY REQUIRED. (a) The
 1-41 temporary directors may not hold an election under Section 8483.003
 1-42 until each municipality in whose corporate limits or
 1-43 extraterritorial jurisdiction the district is located has:

1-44 (1) consented by ordinance or resolution to the
 1-45 creation of the district and to the inclusion of land in the
 1-46 district; and

1-47 (2) entered into a development agreement with the
 1-48 owner or owners of a majority of the assessed value of the real
 1-49 property within the district.

1-50 (b) If a development agreement described by Subsection (a)
 1-51 has not been executed before September 1, 2016:

1-52 (1) the temporary directors may not call a
 1-53 confirmation election under Section 8483.003;

1-54 (2) the district is dissolved; and

1-55 (3) this chapter expires September 1, 2017.

1-56 Sec. 8483.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-57 (a) The district is created to serve a public purpose and benefit.

1-58 (b) The district is created to accomplish the purposes of:

1-59 (1) a municipal utility district as provided by
 1-60 general law and Section 59, Article XVI, Texas Constitution; and

2-1 (2) Section 52, Article III, Texas Constitution, that
2-2 relate to the construction, acquisition, improvement, operation,
2-3 or maintenance of macadamized, graveled, or paved roads, or
2-4 improvements, including storm drainage, in aid of those roads.

2-5 Sec. 8483.006. INITIAL DISTRICT TERRITORY. (a) The
2-6 district is initially composed of the territory described by
2-7 Section 2 of the Act enacting this chapter.

2-8 (b) The boundaries and field notes contained in Section 2 of
2-9 the Act enacting this chapter form a closure. A mistake made in the
2-10 field notes or in copying the field notes in the legislative process
2-11 does not affect the district's:

2-12 (1) organization, existence, or validity;

2-13 (2) right to issue any type of bond for the purposes
2-14 for which the district is created or to pay the principal of and
2-15 interest on a bond;

2-16 (3) right to impose a tax; or

2-17 (4) legality or operation.

2-18 SUBCHAPTER B. BOARD OF DIRECTORS

2-19 Sec. 8483.051. GOVERNING BODY; TERMS. (a) The district is
2-20 governed by a board of five elected directors.

2-21 (b) Except as provided by Section 8483.052, directors serve
2-22 staggered four-year terms.

2-23 Sec. 8483.052. TEMPORARY DIRECTORS. (a) The temporary
2-24 board consists of:

2-25 (1) Justin Holt;

2-26 (2) Jacob Percifull;

2-27 (3) Matthew Scott;

2-28 (4) Stephen Ganske; and

2-29 (5) Jerold Mitchell.

2-30 (b) Temporary directors serve until the earlier of:

2-31 (1) the date permanent directors are elected under
2-32 Section 8483.003; or

2-33 (2) the fourth anniversary of the effective date of
2-34 the Act enacting this chapter.

2-35 (c) If permanent directors have not been elected under
2-36 Section 8483.003 and the terms of the temporary directors have
2-37 expired, successor temporary directors shall be appointed or
2-38 reappointed as provided by Subsection (d) to serve terms that
2-39 expire on the earlier of:

2-40 (1) the date permanent directors are elected under
2-41 Section 8483.003; or

2-42 (2) the fourth anniversary of the date of the
2-43 appointment or reappointment.

2-44 (d) If Subsection (c) applies, the owner or owners of a
2-45 majority of the assessed value of the real property in the district
2-46 may submit a petition to the commission requesting that the
2-47 commission appoint as successor temporary directors the five
2-48 persons named in the petition. The commission shall appoint as
2-49 successor temporary directors the five persons named in the
2-50 petition.

2-51 SUBCHAPTER C. POWERS AND DUTIES

2-52 Sec. 8483.101. GENERAL POWERS AND DUTIES. The district has
2-53 the powers and duties necessary to accomplish the purposes for
2-54 which the district is created.

2-55 Sec. 8483.102. MUNICIPAL UTILITY DISTRICT POWERS AND
2-56 DUTIES. The district has the powers and duties provided by the
2-57 general law of this state, including Chapters 49 and 54, Water Code,
2-58 applicable to municipal utility districts created under Section 59,
2-59 Article XVI, Texas Constitution.

2-60 Sec. 8483.103. AUTHORITY FOR ROAD PROJECTS. Under Section
2-61 52, Article III, Texas Constitution, the district may design,
2-62 acquire, construct, finance, issue bonds for, improve, operate,
2-63 maintain, and convey to this state, a county, or a municipality for
2-64 operation and maintenance macadamized, graveled, or paved roads, or
2-65 improvements, including storm drainage, in aid of those roads.

2-66 Sec. 8483.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
2-67 road project must meet all applicable construction standards,
2-68 zoning and subdivision requirements, and regulations of each
2-69 municipality in whose corporate limits or extraterritorial

3-1 jurisdiction the road project is located.

3-2 (b) If a road project is not located in the corporate limits
3-3 or extraterritorial jurisdiction of a municipality, the road
3-4 project must meet all applicable construction standards,
3-5 subdivision requirements, and regulations of each county in which
3-6 the road project is located.

3-7 (c) If the state will maintain and operate the road, the
3-8 Texas Transportation Commission must approve the plans and
3-9 specifications of the road project.

3-10 Sec. 8483.105. COMPLIANCE WITH MUNICIPAL REGULATIONS. Any
3-11 water, sanitary sewer, road, drainage, or other infrastructure or
3-12 public facilities constructed, acquired, improved, maintained, or
3-13 operated by the district shall comply with any subdivision or other
3-14 applicable regulations of any municipality in whose corporate
3-15 limits or extraterritorial jurisdiction the infrastructure or
3-16 public facilities are located unless other regulations are
3-17 specified in a development agreement between the district and the
3-18 municipality.

3-19 Sec. 8483.106. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
3-20 OR RESOLUTION. The district shall comply with all applicable
3-21 requirements of any ordinance or resolution that is adopted under
3-22 Section 54.016 or 54.0165, Water Code, and that consents to the
3-23 creation of the district or to the inclusion of land in the
3-24 district.

3-25 Sec. 8483.107. DIVISION OF DISTRICT. (a) The original
3-26 district or any lands added to the district may be divided into two
3-27 or more new districts in the manner specified by Section 53.029(b),
3-28 Water Code, only if the district:

- 3-29 (1) has no outstanding bonded debt; and
- 3-30 (2) is not imposing ad valorem taxes.

3-31 (b) The division procedure is prescribed by Sections 53.030
3-32 through 53.041, Water Code.

3-33 (c) Any new district created by the division of the district
3-34 has all the powers and duties of the district and is subject to the
3-35 limitations and conditions of this chapter.

3-36 (d) At the time of creation, any new district created by the
3-37 division of the district may not contain any land that is not
3-38 contiguous to the area described by Section 2 of the Act enacting
3-39 this chapter.

3-40 (e) A division of the district may not occur until each
3-41 home-rule municipality in whose corporate limits or
3-42 extraterritorial jurisdiction the district or any proposed
3-43 district is located has adopted a resolution consenting to the
3-44 division.

3-45 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-46 Sec. 8483.151. ELECTIONS REGARDING TAXES OR BONDS.

3-47 (a) The district may issue, without an election, bonds and other
3-48 obligations secured by:

- 3-49 (1) revenue other than ad valorem taxes; or
- 3-50 (2) contract payments described by Section 8483.153.

3-51 (b) The district must hold an election in the manner
3-52 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-53 before the district may impose an ad valorem tax or issue bonds
3-54 payable from ad valorem taxes.

3-55 (c) The district may not issue bonds payable from ad valorem
3-56 taxes to finance a road project unless the issuance is approved by a
3-57 vote of a two-thirds majority of the district voters voting at an
3-58 election held for that purpose.

3-59 Sec. 8483.152. OPERATION AND MAINTENANCE TAX. (a) If
3-60 authorized at an election held under Section 8483.151, the district
3-61 may impose an operation and maintenance tax on taxable property in
3-62 the district in accordance with Section 49.107, Water Code.

3-63 (b) The board shall determine the tax rate. The rate may not
3-64 exceed the rate approved at the election.

3-65 Sec. 8483.153. CONTRACT TAXES. (a) In accordance with
3-66 Section 49.108, Water Code, the district may impose a tax other than
3-67 an operation and maintenance tax and use the revenue derived from
3-68 the tax to make payments under a contract after the provisions of
3-69 the contract have been approved by a majority of the district voters

4-1 voting at an election held for that purpose.
4-2 (b) A contract approved by the district voters may contain a
4-3 provision stating that the contract may be modified or amended by
4-4 the board without further voter approval.

4-5 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-6 Sec. 8483.201. AUTHORITY TO ISSUE BONDS AND OTHER
4-7 OBLIGATIONS. The district may issue bonds or other obligations
4-8 payable wholly or partly from ad valorem taxes, impact fees,
4-9 revenue, contract payments, grants, or other district money, or any
4-10 combination of those sources, to pay for any authorized district
4-11 purpose.

4-12 Sec. 8483.202. TAXES FOR BONDS. At the time the district
4-13 issues bonds payable wholly or partly from ad valorem taxes, the
4-14 board shall provide for the annual imposition of a continuing
4-15 direct ad valorem tax, without limit as to rate or amount, while all
4-16 or part of the bonds are outstanding as required and in the manner
4-17 provided by Sections 54.601 and 54.602, Water Code.

4-18 Sec. 8483.203. BONDS FOR ROAD PROJECTS. At the time of
4-19 issuance, the total principal amount of bonds or other obligations
4-20 issued or incurred to finance road projects and payable from ad
4-21 valorem taxes may not exceed one-fourth of the assessed value of the
4-22 real property in the district.

4-23 SECTION 2. The Chisholm Trails Municipal Utility District
4-24 No. 1 initially includes all the territory contained in the
4-25 following area:

4-26 METES AND BOUNDS DESCRIPTION

4-27 HMP Ranch, Ltd - Burleson ETJ - Tract 1
4-28 BEING a 81.457 acre tract of land situated in the H. G. Catlett
4-29 Survey, Abstract Number 177, Johnson County, Texas and being a
4-30 portion of the tract of land described in the deed to HMP Ranch Ltd,
4-31 recorded in Volume 3803, Page 887, Deed Records, Johnson County,
4-32 Texas and in County Clerk's Document Number D206143824, Deed
4-33 Records, Tarrant County, Texas, said 81.457 acre tract of land
4-34 being more particularly described as follows:

4-35 BEGINNING at the intersection of the monumented southwesterly line
4-36 of County Road 921 with the westerly right-of-way line of the
4-37 Burlington Northern Santa Fe Railroad Company (a 100 foot wide
4-38 right-of-way);

4-39 THENCE with the westerly right-of-way line of said Burlington
4-40 Northern Santa Fe Railroad Company, South 09° 40' 29" West a
4-41 distance of 3350.59 feet;

4-42 THENCE departing the westerly right-of-way line of said Burlington
4-43 Northern Santa Fe Railroad Company, North 44° 49' 44" West a
4-44 distance of 3339.05 feet to a northwesterly line of said HMP Ranch
4-45 Ltd tract and the southeasterly line of a tract of land described in
4-46 the deed to Leonel Ochoa and wife, Argelia Ochoa recorded in Volume
4-47 1862, Page 233 Deed Records, Johnson County, Texas;

4-48 THENCE with the northwesterly line of said HMP Ranch Ltd tract and
4-49 the southeasterly lines of said Ochoa tract, the tract of land
4-50 described in the deed to Lazaro Duron and wife. Arcelia Duron
4-51 recorded in Volume 241, Page 579, Deed Records, Johnson County,
4-52 Texas, the tract of land described in the deed to Oscar S. Lazarsky
4-53 and Catalina Sanches recorded in Volume 1891, Page 734, Deed
4-54 Records, Johnson County, Texas, North 45° 17' 02" East a distance of
4-55 641.52 feet to the center of the tract of land described in the deed to
4-56 Ross Senter recorded in Volume 329, Page 28, Deed Records, Johnson
4-57 County, Texas;

4-58 THENCE departing said northwesterly line and said southeasterly
4-59 lines with the southerly lines of said remainder tract, and the
4-60 tract of land described in the deed to Randall L. Senter et ux Vicki
4-61 L. Senter recorded in Volume 1360, Page 437, Deed Records, Johnson
4-62 County, Texas South 45° 30' 56" East a distance of 1,556.15 feet to
4-63 the most southerly corner of said remaining Ross Senter tract;

4-64 THENCE continuing with the southeasterly line of said remaining
4-65 Ross Senter tract the following courses and distances:

- 4-66 North 44°27'19" East, a distance of 613.71 feet;
- 4-67 North 09°46'11" East, a distance of 540.00 feet;
- 4-68 North 54°00'01" East, a distance of 883.07 feet;
- 4-69 North 09°40'40" East, a distance of 173.11 feet to the

5-1 monumented southwesterly line of County Road 921;
5-2 THENCE departing said northerly and said southeasterly lines with
5-3 the southwesterly line of said County Road 921, South 45°00'00"
5-4 East, a distance of 121.67 feet to the POINT OF BEGINNING;
5-5 Containing a computed area of 3,548,270 square feet or 81.457 acres
5-6 of land.
5-7 NOTE: The basis of bearings recited herein is the Texas Coordinate
5-8 System of 1983, North Central Zone.
5-9 NOTE: The Surveyor has not abstracted the record title and/or
5-10 easements of the subject property. The Surveyor prepared this
5-11 survey without the benefit of a title commitment and assumes no
5-12 liability for any easements right-of-way dedications or other title
5-13 matters affecting the subject property.
5-14 METES AND BOUNDS DESCRIPTION
5-15 HMP Ranch, Ltd - Burleson ETJ - Tract 2
5-16 BEING a 99.976 acre tract of land situated In the H. G. Catlett
5-17 Survey, Abstract Number 177, Johnson County, Texas and being a
5-18 portion of the tract of land described in the deed to HMP Ranch Ltd,
5-19 recorded in Volume 3803, Page 887, Deed Records, Johnson County,
5-20 Texas and in County Clerk's Document Number D206143824, Deed
5-21 Records, Tarrant County, Texas, said 99.976 acre tract of land
5-22 being more particularly described as follows:
5-23 BEGINNING at the intersection of the approximate centerlines of
5-24 County Road 921 and County Road 1016;
5-25 THENCE with an easterly line of said HMP Ranch Ltd tract with the
5-26 approximate centerline of said County Road 1016, South 45° 26' 19"
5-27 West a distance of 945.97;
5-28 THENCE continuing with the easterly line of said HMP Ranch Ltd tract
5-29 and the approximate centerline of said County Road 1016, South 45°
5-30 10' 42" West a distance of 1806.20 feet to the beginning of a
5-31 non-tangent curve to the left having a radius of 2,250.00 feet, a
5-32 central angle of 40° 36' 01", and a chord bearing and distance of
5-33 North 58° 45' 23" West 1561.22 feet;
5-34 THENCE departing the easterly line of said HMP Ranch Ltd tract and
5-35 the approximate centerline of said County Road 1016 with said
5-36 non-tangent curve to the left an arc distance of 1594.37 feet to the
5-37 end of curve in the common line of the H.G. Catlett Survey, Abstract
5-38 Number 177 and the H.G. Catlett Survey, Abstract Number 380;
5-39 THENCE with said common line. North 44° 38' 14" East at a distance of
5-40 458.80 feet passing the common south corner of Said H.G. Catlett
5-41 Survey, Abstract Number 380 and the U. Mendoza Survey, Abstract
5-42 Number 545, departing the common line of said Catlett Surveys and
5-43 continuing with the common line of said H. G. Catlett Survey,
5-44 Abstract Number 177 and said U. Mendoza Survey in all a distance of
5-45 3121.47 feet to the north corner of said H.G. Catlett Survey,
5-46 Abstract Number 177;
5-47 THENCE continuing with the common line of said H.G. Catlett Survey,
5-48 Abstract Number 177 and said U. Mendoza Survey, South 45° 04' 23"
5-49 East, a distance of 1551.14 feet to the POINT OF BEGINNING;
5-50 Containing a computed area of 4,354,945 square feet or 99.976 acres
5-51 of land.
5-52 NOTE: The basis of bearings recited herein is the Texas Coordinate
5-53 System of 1983, North Central Zone.
5-54 NOTE: The Surveyor has not abstracted the record title and/or
5-55 easements of the subject property. The Surveyor prepared this
5-56 survey without the benefit of a title commitment and assumes no
5-57 liability for any easements right-of-way dedications or other title
5-58 matters affecting the subject property.
5-59 METES AND BOUNDS DESCRIPTION
5-60 HMP Ranch, Ltd - Burleson ETJ - Tract 3
5-61 BEING an 11.905 acre tract of land situated in the U. Mendoza
5-62 Survey, Abstract Number 545, Johnson County, Texas and being a
5-63 portion of the tract of land described in the deed to HMP Ranch Ltd,
5-64 recorded in Volume 3803, Page 887, Deed Records, Johnson County,
5-65 Texas and in County Clerk's Document Number D206143824, Deed
5-66 Records, Tarrant County, Texas, said 11.905 acre tract of land
5-67 being more particularly described as follows:
5-68 BEGINNING at the most easterly corner of said HMP Ranch Ltd tract,
5-69 in the approximate centerline of County Road 1011, called in the

6-1 deed to Texas Land and Investment Company, Inc. recorded in Volume
6-2 594, Page 457 to be the most easterly corner of the U. Mendoza
6-3 Survey and the northwest line of the H.G. Catlett Survey Number;
6-4 THENCE with an easterly line of said HMP Ranch Ltd tract with the
6-5 approximate centerline of said County Road 1011, South 44° 43' 45"
6-6 West a distance of 2555.50 feet to the approximate centerline of
6-7 County Road 921;
6-8 THENCE continuing with the easterly line of said HMP Ranch Ltd
6-9 tract, departing the approximate centerline of said County Road
6-10 1011 with the approximate centerline of said County Road 921, North
6-11 44° 51' 50" West a distance of 320.46 feet;
6-12 THENCE departing the approximate centerline of said County Road
6-13 921, North 49° 54' 39" East a distance of 2464.99 feet to the
6-14 northerly line of said HMP Ranch Ltd tract and the south line of the
6-15 tract of land described in the deed to Bill H. Bridges and Tommy D.
6-16 Bridges recorded in Volume 2513, Page 124, Deed Records, Johnson
6-17 County, Texas;
6-18 THENCE with the common line of said HMP Ranch Ltd tract and said
6-19 Bridges tract. North 89° 35' 15" East a distance of 138.69 feet to
6-20 the POINT OF BEGINNING;
6-21 Containing a computed area of 518,590 square feet or 11.905 acres of
6-22 land.
6-23 NOTE: The basis of bearings recited herein is the Texas Coordinate
6-24 System of 1983, North Central Zone.
6-25 NOTE: The Surveyor has not abstracted the record title and/or
6-26 easements of the subject property. The Surveyor prepared this
6-27 survey without the benefit of a title commitment and assumes no
6-28 liability for any easements right-of-way dedications or other title
6-29 matters affecting the subject property.
6-30 SECTION 3. (a) The legal notice of the intention to
6-31 introduce this Act, setting forth the general substance of this
6-32 Act, has been published as provided by law, and the notice and a
6-33 copy of this Act have been furnished to all persons, agencies,
6-34 officials, or entities to which they are required to be furnished
6-35 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
6-36 Government Code.
6-37 (b) The governor, one of the required recipients, has
6-38 submitted the notice and Act to the Texas Commission on
6-39 Environmental Quality.
6-40 (c) The Texas Commission on Environmental Quality has filed
6-41 its recommendations relating to this Act with the governor, the
6-42 lieutenant governor, and the speaker of the house of
6-43 representatives within the required time.
6-44 (d) All requirements of the constitution and laws of this
6-45 state and the rules and procedures of the legislature with respect
6-46 to the notice, introduction, and passage of this Act are fulfilled
6-47 and accomplished.
6-48 SECTION 4. (a) If this Act does not receive a two-thirds
6-49 vote of all the members elected to each house, Subchapter C, Chapter
6-50 8483, Special District Local Laws Code, as added by Section 1 of
6-51 this Act, is amended by adding Section 8483.108 to read as follows:
6-52 Sec. 8483.108. NO EMINENT DOMAIN POWER. The district may
6-53 not exercise the power of eminent domain.
6-54 (b) This section is not intended to be an expression of a
6-55 legislative interpretation of the requirements of Subsection (c),
6-56 Section 17, Article I, Texas Constitution.
6-57 SECTION 5. This Act takes effect immediately if it receives
6-58 a vote of two-thirds of all the members elected to each house, as
6-59 provided by Section 39, Article III, Texas Constitution. If this
6-60 Act does not receive the vote necessary for immediate effect, this
6-61 Act takes effect September 1, 2013.

6-62

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